

March 22, 2001

TELECOMMUNICATIONS CONSUMER  
ENHANCEMENT ACT OF 2001

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2001

Mr. STEARNS. Mr. Speaker, I would like to submit for the RECORD a number of concerns that I have been made aware of by the Florida Public Service Commission regarding H.R. 496. In the past week my staff and I have been in contact with the bill's sponsor, Representative BARBARA CUBIN, in assembling answers to the Florida PSC's concerns. For the record I would like to summarize the Florida PSC's concerns and the answers we have received from Representative CUBIN's office.

As a result of these proposed diminished reporting requirements, how would regulated and deregulated services be differentiated to avoid cross subsidization of telecommunications offerings and non-regulated services?

H.R. 496 would do nothing to change the FCC's or state commissions ability to differentiate regulated and non-regulated services.

H.R. 496 would leave intact the FCC's cost allocation rules. It would only eliminate the separate requirement to file voluminous CAM and ARMIS reports originally designed for the largest carriers.

How will there be assurance that purported savings from reporting responsibilities will actually be applied toward the provision of advanced services in rural areas, as highlighted in the bill?

Virtually all 2 percent carriers only serve areas defined under the Act as "rural". Their network investment will necessarily be in rural areas.

Rate of return regulation, by its nature, will ensure either reinvestment in rural network infrastructure or reduced rates for customers. Virtually all 2 percent carriers are rate of return carriers.

Many of the benefits of the bill are intangible. It would primarily give carriers added flexibility to respond more quickly and effectively to customer demand and competitive opportunities.

To attempt to tie specific savings directly to specific investments would significantly increase bureaucratic red tape rather than decrease it and would ultimately slow investment in rural areas.

What restriction in this bill will prevent regional bell operating companies and other large holding companies from qualifying as a 2 percent carrier?

New language added by the Energy and Commerce Committee necessarily excludes larger companies from the definition of "two percent carrier". The definition now includes an operating company which, together with all affiliated carriers, "controls . . . fewer than two percent of the nation's subscriber lines. . . ."

The new language was adopted from a recent FCC order that definitively construed the same definition in Section 251(f)(2) of the 1996 Act.

If a company such as Cincinnati Bell is considered a 2 percent carrier, then what assurance is there that this bill is truly targeted toward rural areas and not certain urban areas such as Cincinnati, Ohio?

Apart from Cincinnati, the RBOCs and Sprint serve the remaining 99 of the 100 largest metropolitan statistical areas in the country. The remainder of two percent com-

**EXTENSIONS OF REMARKS**

panies serve rural areas and second- and third-tier towns (e.g. Rock Hill, South Carolina; Roseville, California; Dalton, Georgia).

How does self-certification of competitive entry by a "single facility based competitor serving a single customer" truly promote effective competition, or would this "one-customer" standard in reality inhibit true development of competition?

H.R. 496 requires significantly more than "one customer" for competitive entry. It requires, either expressly or by necessary implication:

Existence of an enforceable interconnection agreement between the incumbent and competitor (including any necessary state arbitration procedures).

Provision or procurement of switching facilities.

Actual provision of service (implying billing, customer service, maintenance and other systems that are fully operational).

Any competitive carrier that has made the investment necessary to meet all these conditions would necessarily be positioned to pose a competitive threat throughout the ILEC's service territory.

Any concerns regarding the competition standard in H.R. 496 should be mitigated by the fact that Section 286(a) only allows downward pricing flexibility. Regardless of the trigger, customers would benefit from lowered prices and increased competition.

The standards set in 286(d) mirror the standards set by the FCC for competitive entry in the SBC/Ameritech merger, which required a small number of actual customers to establish competitive entry by SBC.

If "any new service" not currently being provisioned by a 2 percent carrier is subsequently offered, would this bill preempt a State from oversight of this offering and why should it be exclusively considered interstate in nature?

H.R. 496 would not alter state jurisdiction over new services. H.R. 496 would only affect the FCC's cumbersome approval process for new interstate services. Historically, states have had jurisdiction over intrastate services but not interstate services.

To date, no party except the Florida PSC has suggested enlarging the scope of the bill to include new intrastate services.

Would the ability of 2 percent carriers to opt in or choose to opt out of the National Exchange Carrier Association (NECA) pool, in Section 284 of the bill, undermine this mechanism and promote "gaming" of this process by certain carriers?

New language added by the Energy and Commerce Committee restricts 2 percent carriers' ability to move in and out of the pool. This language provides an additional level of assurance that no company could game this process.

The majority of 2 percent carriers will continue to rely on the NECA pool. It is not in their interest to undermine a mechanism that serves their and their customers' needs.

Is this legislation premature in light of the FCC's current consideration of the proposal by the Multi-Association Group (MAG) which also purports to help promote the deployment of broadband services to rural areas? Also, isn't it premature in light of the FCC's docket on streamlining of reporting requirements for mid-sized carriers?

H.R. 496 and the MAG plan address significantly different sets of issues. H.R. 496 is primarily designed to clear away a handful of outmoded regulatory burdens that are ill-suited for 2 percent carriers. The MAG plan proposes an entirely new system of incentive regulation and would also significantly alter

existing access charges. Since they are complementary initiatives, it is unnecessary to delay one pending consideration of the other.

The FCC docket on streamlining reporting requirements, while constructive, will in all likelihood perpetuate a number of the same burdens that exist today. The FCC has been debating accounting reform without taking any final action at least since 1999 when it was responding to the ITTA forbearance petition.

**ADMINISTRATION'S ENVIRONMENTAL POLICY IS JUST PLAIN WRONG**

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my disgust over the Bush Administration's unwillingness to take the necessary steps to curb the effects of global warming and protect our natural resources. When our environment needs us most, it is sad that the President is abandoning our lakes and rivers, while siding with those who pollute our air.

The Administration's recent shift in environmental policy contradicts its earlier promises and commitments to the American people and at the same time, undermines previous policy statements made by the Environmental Protection Agency. This Administration has made it clear that protecting the environment is not one of its priorities.

This shift in policy, however, is not just another broken campaign pledge and promise to the citizens of South Florida and the rest of the American people. On the contrary, it is a clear example that the President's position on the environment is just plain wrong. Scientists and elected officials on both sides of the aisle agree that the key to ending global warming begins with reducing the amount of carbon dioxide emissions in the air we breathe. Even more, according to a recent survey, this common sense approach toward ending global warming is supported by 80 percent of the American public.

Mr. Speaker, the people of South Florida know a great deal about the importance of taking care of the environment. It was no more than six months ago that I stood on this floor with many of my colleagues fighting for protection of Florida's most sacred ecosystem, the Everglades. Thankfully, after nearly a decade of planning and fighting, we reached an agreement that ensures the Everglades will be around for all Americans to enjoy for generations to come.

Today, I am once again coming to the floor to fight for the protection of our country's greatest treasures. The current Bush Administration plan to conduct exploratory drilling for oil in Alaska's Arctic National Wildlife Refuge is not only an action that will destroy the last remaining parcel of untouched Arctic coastline, it is also just bad energy policy. It is widely accepted that roughly 3.2 billion barrels of economically recoverable oil can be found under the ANWR. Those 3.2 billion barrels, however, represent a mere six-month supply of oil for

the United States, hardly enough to build an effective energy policy around.

What worries me, Mr. Speaker, is not the exploration into a new energy policy. Clearly our country needs to look into new ways of creating energy. I support looking into new possibilities for creating energy. But I do not support the exploration of new energy opportunities at the cost of the environment. If we begin drilling in the ANWR today, who is to say that we will not begin off-shore drilling in South Florida tomorrow? I assure you, Mr. Speaker, that the people of Florida have no desire to see off-shore oil rigs popping up in the Atlantic Ocean or Gulf of Mexico anytime soon. We saw the dangers involved in such practices when an off-shore oil rig in Brazil collapsed just this week spilling oil for miles into the Atlantic.

In the past two weeks, President Bush reaffirmed to the American public that he is not serious about leading an environmentally conscious Administration. Mr. Speaker, I am not suggesting that President Bush become a devout environmentalist. After all, you do not have to be an environmentalist to care about the environment. So far though, this Administration has yet to take any steps to show that it recognizes the basic needs of our environment. In a time that the environment has taken center stage as a national concern, the people of America demand and deserve more from this Administration.

#### IN RECOGNITION OF THE NATIONAL COALITION OF 100 BLACK WOMEN

##### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 22, 2001*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the 20th Anniversary of the National Coalition of 100 Black Women, Inc, New Jersey Chapter (NCBW-NJ).

Founded in 1971, NCBW is a non-profit, volunteer organization dedicated to community service, leadership development, and the enhancement of career opportunities for African-American women. NCBW is dedicated to the empowerment of African-American women by increasing their access to and participation in America's economic and political arenas. In addition, NCBW addresses the challenges African-American families face today, and promotes African-American culture.

The Coalition did not become the National Coalition until 1981, a decade after the first group of women met in New York City. Today, NCBW includes more than 7,000 members from 62 chapters representing 23 states and the District of Columbia.

The 20th Anniversary of NCBW celebrates and commemorates the great progress that African-American women have made in the United States over the past 30 years. This progress was made possible through the hard work, dedication, and compassion of the founding members of NCBW, as well as many others, who understood and continue to recognize the adversity that minority women face each and every day on the road to realizing economic and political empowerment.

I'd like to acknowledge and thank the following individuals for their important contributions to NCBW-NJ:—the late Wynona Lipman; Barbara L. James; Bettye Ingram; the Honorable Janet E. Haynes; Dolores Buchanan; Lynn M. Stradford; Karen Lee Stradford; Carol A. Collins; Cherre E. Ogden; Karyn Stewart; Gessie Barnes; Brenda J. Murphy, Henrietta D. Ward, Marion Rhim Fowler; Katherine Daugherty Brown; Natalie Cole; Jeri Warrick Crisman; Redenia C. Gilliam-Mosee; Coretta Scott King; Constance Woodruff; and Larrie West Stalks.

Today, I ask my colleagues to join me in recognizing the National Coalition of 100 Black Women—New Jersey for all it has done to empower African-American women.

#### IN HONOR OF GINA PENNESTRI

##### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 22, 2001*

Ms. PELOSI. Ms. Speaker, I rise to pay tribute to the late Gina Pennestri, a fighter without equal who recently passed away in San Francisco. Gina was known and loved in San Francisco for her sharp mind and soft heart. She was forceful, dedicated, and absolutely committed to the constituents and elected officials she served.

Gina was always fighting for a cause. After her graduation from George Washington University, she worked to secure the right to vote for the residents of Washington, D.C. Soon after, she joined the War effort as Chief of Employee Relations for all civilian employees stationed from England to North Africa during World War II. She then helped coordinate the Berlin Airlift, working to ensure that humanitarian assistance was delivered to those who needed it.

By 1951, Gina had settled in San Francisco and started a family. Raising her son, Marc, Gina became involved with political issues and in the community. She fought a planned highway through Golden Gate Park, she worked in the conservation movement to protect areas from development, and she volunteered in public schools and libraries to help educate San Francisco's children. Along with many San Franciscans, she joined the civil rights movement and opposed the Vietnam War.

In 1967, she became an aide to then-Assemblyman, and current State Senate President Pro Tempore, John Burton. She soon rose to be the Chief of Staff of his San Francisco office and remained in the position when Mr. Burton was elected to the U.S. House of Representatives in 1974. When Mr. Burton retired from the U.S. House, Gina worked on the campaign for his successor, BARBARA BOXER, and then became her chief of staff. When Congresswoman BOXER became Senator BOXER, she again turned to Gina to run her San Francisco office.

In her career with State Senator Burton and Senator BOXER, Gina became widely respected for her ability, her tenacity, and her fidelity to her principles. Utterly dedicated to helping those in need, she was a fearsome opponent and a trusted friend. She will be

greatly missed by those who knew her and by everyone for whom she fought.

My thoughts and prayers are with her son and daughter-in-law, Marc and Nancy Zimmerman, and her grandchildren, Laura and Daniel, to whom she was devoted.

#### FEDERAL LANDS IMPROVEMENT ACT

##### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 22, 2001*

Mr. DUNCAN. Mr. Speaker, the Bureau of Land Management (BLM) has 264 million acres that it manages for the federal government. None of this land is national park or national forest land. The BLM has identified three million acres that it would like to sell, because it is not environmentally significant, surrounded by private land, difficult to manage, or isolated.

Today, I have introduced the Federal Lands Improvement Act which will allow the sale of this land, with proceeds to go; one-third to the counties where the land is located for schools and other needs; one-third to the national debt; and one-third back to the BLM for environmental restoration projects on its remaining land.

As I have already stated, this bill would not sell any national parks or wilderness areas. It only proposed to sell lands that have already been identified for disposal by the BLM.

Currently, the federal government owns 30 percent of all the land in the United States. This is roughly 650 million acres. In comparison, the State of Tennessee is only 26 million acres total.

It only makes sense that the federal government consolidate its holdings so that it can better manage those areas which are truly environmentally sensitive.

I hope my Colleagues will join me by co-sponsoring this legislation so that we can take a step forward in protecting our federal lands.

#### RECOGNIZING BLACK HISTORY MONTH HONOREES

##### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 22, 2001*

Mr. LAMPSON. Mr. Speaker, I rise today to honor local citizens from the 9th District of Texas who were chosen during Black History Month for their work. While the dedication of African-American leaders is well-known throughout the United States, local citizens, right here in the Southeast Gulf Coast region, are just as important to ensuring equal rights for all Texans. Last month I asked members of the communities in the 9th District to nominate individuals for my "Unsung Heroes" award that gives special recognition to those unsung heroes, willing workers, and individuals who are so much a part of our nation's rich history. Recipients were chosen because they embodied a giving and sharing spirit, and had made a contribution to our nation.